

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MONTE C. DUTKO, Jr.,	:
Plaintiff	:
v.	: Case No. 3:22-cv-19-KAP
OFFICER JOSEPH R. MOSER,	:
<i>et al.</i> ,	:
Defendants	:

Memorandum Order

In my May 3, 2023 Order, ECF no. 40, I attempted to put the matter back on track, granted a defense motion to compel, and observed that “[f]ailure to participate in discovery in good faith is a basis for sanctions including dismissal of the complaint.” The current defense motion to compel, ECF no. 42, to which plaintiff has not responded, represents that plaintiff has failed to respond to discovery and has changed his address without notifying the Clerk. Notice is being sent to plaintiff at the only address available for him.

Dismissal at this time is too harsh a sanction, but this is a simple matter which should not be presenting discovery disputes. An in-person status conference at which any remaining pretrial issues will be resolved is scheduled for 10:00 a.m. in Courtroom A on Wednesday, July 5, 2023. If that time is not possible for plaintiff or defense counsel, they shall confer and call my courtroom deputy to propose some alternative times.



DATE: June 23, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Monte C. Dutko, Jr.
304 Oak Lane
Cresson, PA 16630